

Charter Resolution No. CR-01-2022

Introduced: February 14, 2022

Public Hearing: March 14, 2022

Adopted: _____

A CHARTER RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING ARTICLE IV, "COUNCIL", SECTION 403. QUALIFICATIONS OF COUNCIL MEMBERS, ARTICLE V, "THE MAYOR", SECTION 503. QUALIFICATIONS OF THE MAYOR, AND ARTICLE VII, "REGISTRATION, NOMINATIONS, AND ELECTIONS", SECTION 701, "QUALIFICATIONS OF VOTERS", OF THE TOWN CHARTER TO ENABLE A NON-CITIZEN WHO IS A LAWFUL PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES TO BE ELIGIBLE TO REGISTER TO VOTE IN TOWN OF KENSINGTON MUNICIPAL ELECTIONS.

A Charter Resolution of the Mayor and Council of the Town of Kensington, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and of §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended; and

WHEREAS, §5-202 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Council to adopt those laws as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, various long-term residents of the Town who are not United States citizens but have permanent residence in the United States, or who are authorized to work in the United States, have requested that the Mayor and Council enable their ability to register to vote in Town elections; and

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

CAPS : Indicate matter added in amendment of proposed Charter Amendment.

CAPS : Indicate matter deleted in amendment of proposed Charter Amendment.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Charter Amendment.

WHEREAS, the Mayor and Council undertook a review of the Charter with respect to registration of voters; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend the Charter to enable residents of the Town who are not United States citizens but who are permanent residents or authorized to work in the United States to register to vote in Town elections.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Kensington, Maryland, that:

Section 1. Article IV, “The Council”, Section 403, “Qualifications of Council Members” of the Town Charter is repealed, re-enacted and amended to read as follows:

Section 403. Qualifications of Council Members.

Council Members shall have resided in the Town for at least one year immediately preceding their election, **SHALL BE UNITED STATES CITIZENS**, and shall be qualified to be registered voters of the Town. Council Members shall maintain permanent residence in the Town during their term of office.

Section 2. Article V, “The Mayor”, Section 503, “Qualifications of the Mayor”, of the Town Charter is repealed, re-enacted and amended to read as follows:

Section 503. Qualifications of the Mayor.

The Mayor shall have resided in the Town for at least one year immediately preceding the election, **SHALL BE A UNITED STATES CITIZEN**, and shall be qualified to be registered voter of the Town. The Mayor shall maintain permanent residence in the Town during the term of office.

Section 3.

Article VII, “Registration, Nominations and Elections”, Section 701 “Qualifications of Voters” of the Town Charter is repealed, re-enacted and amended as follows:

Section 701. Qualifications of Voters

Every person who (a) is a citizen of the United States, OR WHO IS NOT A CITIZEN OF THE UNITED STATES BUT IS A PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES, (b) is at least eighteen years of age, (c) has resided within the corporate limits of the Town for thirty (30) days, and (d) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections.

Section 4. BE IT FURTHER RESOLVED that this Charter Resolution was introduced on the 14th day of February, 2022, and was considered for adoption after a public hearing. It is adopted this 14th day of March, 2022, after at least 21 days of prior public notice of the public hearing and shall be and become effective upon the fiftieth (50th) day after its passage by the Town unless petitioned to referendum in accordance with §4-304 *et seq.* of the Local Government Article, Annotated Code of Maryland, within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the Town offices located at 3710 Mitchell Street, Kensington, Maryland 20895 for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the Town.

Section 5. BE IT FURTHER RESOLVED that after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Town Manager for the Town of Kensington shall send separately, by certified mail, return receipt requested, to the Department of Legislative Reference, the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the Town of Kensington or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 6. **BE IT FURTHER RESOLVED** that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a regular meeting on the 14th day of February, 2022.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland in public meeting assembled on the 11th day of March, 2022.

EFFECTIVE the 31st day of May, 2022.

ATTEST:

TOWN OF KENSINGTON

Susan Engels, Town Clerk-Treasurer

By _____
Tracey Furman, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, Town Attorney